Scott. II-29—35,000—2-11-26.

Revenue (192) Department.

Mi SERIES.

G.O. No. 1506

DATED 1-8-29

[Despatch Abstract.]

C.F. 30—10 000—7-8-26.

Local Audit **DEPARTMENT.**

F.C.No. 17548 Exp.

Received ..... 192 . *Registered* 16-5-27 192

Subject.

ENCLOSURES.

No. .....

.....

Spare copies .....

L.F. No. 875

Station Madras, *Dated the* 16th May 192 7.

From (Name) J. M. Hooper Esquire,

(Designation) Examiner of Local Fund Accounts,

To The Secretary to the Government of Madras,

Finance Department.

Sir,

(F) I have the honour to invite a reference to the Proceedings of the Revenue Department No.154 Mis., dated the 26th January 1925, communicated to me with Endorsement No.3232, Exp-1, Finance, dated the 2nd February 1925, in which it was ordered that ~~that~~ the Revenue Department should continue to be - responsible for the execution of repairs to portions of - Revenue Department buildings occupied by the Local Fund Audit Department and to state that the office building of the - District Inspector, Bellary is in need or urgent repairs. The Collector of Bellary who was addressed on the subject - declined to carry out the repairs on the ground that the Government Order was not applicable to his district, and

(F)

and called for information as to the circumstances that led to the passing of the Government Order. With reference to this, he was requested to refer the matter to Government, if he had any doubts regarding it. He has communicated to me a copy of the - Proceedings of the Board of Revenue, LR and Settl., Madras, Rt.No. 2200, dated the 9th April 1927, copy enclosed, from which it will be seen that the Board of Revenue has overruled the previous - orders on the subject.

2. In this connection, I have to invite a reference to my letter L.F.No.4930, dated the 4th November 1924 read in Revenue Department Proceedings No.154 Mis., Revenue, dated the 26th January 1925. In Saidapet, the office of the District Inspector of Local Fund - Accounts, is located in a detached building, but is within the compound of the Collector's Office. The office of the District Inspector of Local Fund Accounts at Bellary is similarly situated. It is therefore clear that the principle on which the Proceedings of January 1925 is based applies to the Bellary district also.

3. In view of the circumstances stated in paragraph 2 of my letter quoted above, I have to request that Government will be pleased to issue orders to the Collector of Bellary to execute the necessary repairs at an early date.

4. Copies of the Collector's replies R.C.1475/27-B-2, dated 12th March 1927 and R.C.1475/27-B-4, dated the 13th April 1927 are herewith forwarded for reference.

5. As the repairs are reported to be of an urgent nature, I have to request the favour of early orders on the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Examiner of Local Fund Accounts.

V.N.K.14/5.

From the Collector of Bellary,
To the Examiner of Local Fund Accounts, Madras.
R.C.1475/27.B.2., dated 12th March 1927.

Buildings - Collector's office (Bellary) - Repairs to the building occupied by District Inspector of Local Fund Accounts.

Ref:- Your No.11419/dated 8th March 1927.

G.O.154 Rev 26.1.27 (F)

The Government Order quoted in your reference read above states that the Revenue Department should undertake the execution of repairs to ~~certain~~ portions of Revenue Department buildings occupied by the Local Fund Accounts Department.

2. The office of the District Inspector of Local Fund Accounts, Bellary, is in a separate building detached from the main Revenue Department buildings though situated in one compound and separately assessed. The whole building is entirely under the charge of the Local Fund Accounts Department. Obviously, therefore, the Government Order referred to above does not apply to this district. If you ~~wish~~ RDM think otherwise, please state the circumstances in full that led to the passing of the said Government Order.

Proceedings of the Board of Rev.LR & Settl.,Madras.

Rt.No.2200, dated the 9th April 1927.

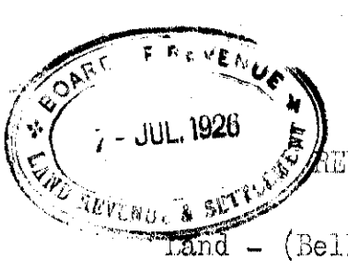
Read:- Letter from the Collector of Bellary, Ref.C.No.1475/27, dated the 26th March 1927.

Resolution:-

Buildings - Government (Bellary) -Office of the District Inspector of Local Fund Accounts - Bellary - Repairs to be carried out by the Local Fund Accounts Department - Collector informed.

The Collector of Bellary is informed that as the building occupied by the office of the Dt.Inspector of Local Fund Accounts at Bellary is a separate one and does not form part of any building occupied by the Revenue Department., Government Order 154,Rev dated 26th January 1925 will not apply and that the Examiner of Local Fund Accounts must make his own arrangements for the repairs to the building

(F)



C.4912

B2329

Rec'd 10.7.26

REVENUE DEPARTMENT.

Land - (Bellary) - Military - Railway lands within cantonment - Dispute between Railway and Military authorities - Information regarding debit of cost - Letter from Secretary, Railway Board, 6499 E dated the 11th June 1926.

***

ENDORSEMENT NO. 2329 A/26-1 dated the 5th July 1926.

Referred to the Board of Revenue for early remarks.

A. D. Crombie,
Under Secretary.

To the Board of Revenue, Land Revenue and Settlement, with copy of Railway Board's letter.

F o r w a r d e d.

(By Order)

E Ramaswamy 6/7/26
Superintendent.

:o:

From the Secretary, Railway Board, No.6499 E dated the 11th June 1926.

Land at Bellary Cantonment.

In forwarding herewith a copy of a letter No.W/333, dated 20th May 1926, from the Agent, Madras & Southern Mahratta Railway, I am directed to request that with the permission of His Excellency the Governor-in-Council, the information required by the Agent, may kindly be supplied to him direct.

***

Copy of letter No.W/333, dated 20th May 1926, from the Agent, Madras & Southern Mahratta Railway, to the Secretary, Railway Board.

LAND AT BELLARY CANTONMENT.

The General Officer Commanding the Madras District has informed the Railway that there appear to be no records showing the official transfer of 23 acres - 2R - 31 P of land in Bellary Can-

Cantonment to the Railway authorities. In the absence of proof of such official transfer he proposes, it is understood under instructions from the Quartermaster-General in India, that rent should be charged for the land.

The land in question was taken over by the late Southern Mahratta Railway about the years 1882 to 1884; it is believed the transfers were made during famine work. Certain orders relating to the transfer of land on this section of the line and to debiting the cost thereof to the Capital Account of the Railway have been traced and certain payments to the Collector of Bellary made in 1882 and 1883 have also been traced. In the absence of plans, it has been found impossible to connect these with the actual area of land falling within the Cantonment limits.

The matter has been under reference between the General Officer Commanding Madras District, the Collector Bellary and this office for the last three years, and a considerable amount of correspondence has taken place.

The ordinary procedure in the case of doubt as to ownership would be for one of the parties to sue the other; but as there is no question that the land belongs to Government, no case can be stated for settlement in Court. If it is considered essential to ascertain whether the correct debits were made by the Civil Authorities against the Railway Accounts when the land was occupied by the Railway in 1883, I should be glad if the Government of India can arrange with the Local Government to ascertain what debits, if any, are still outstanding on account of the transfer of the land in question.

V.M.V.

3

Subject.

R. F. XXII-A-19.—15,004—18-13-25 (6

FOR MEMBER

and Military (Bellary) Court - Bylaws
Dispute bet Cty & Military authorities -
Delivery of cost.

AS

READ AGAIN B.P. No. _____ dated _____ 192 .

" " " _____ " _____ 192 .

READ ALSO :— C 4912

Register No. _____, From the ~~C 4912/26~~ No. _____, dated _____ 192 AS.

" " _____ " _____ " _____ 192

1159 encls
14-7

" " _____ " _____ " _____ 192 .

C 4912-26-10/13.7.26

RESOLUTION. Copy B No. ~~4912/26~~, dated _____ 192 .

Referred to the Exec Offr of
Bellary for any early remarks.

[illegible]
13/7

[illegible]
Exec Offr
[illegible]
[illegible] 16.7.26

Exec Offr Bellary

Dept'l HC
16.7.

C.F. 32

In reply, please quote number, date and short title.*

4 DEPARTMENT

BOARD OF REVENUE * LAND REVENUE & SETTLEMENT * 5 - AUG. 1926

Received Registered C 5669

From (Name) Khan Bahadur Md. Bazlullah Sahib Bahadur C.I.E., O.B.E.,

(Designation) Collector of

Post Box ....., (Station) B e l l a r y.

Telegraphic Address .....

To The Secretary to the Commissioners,
and Revenue & Settlement,
M a d r a s.

Ref. C. No. 3487/26, dated 3rd August 192 6.

Sir,

Enclosures .....

.....

.....

Spare Copies .....

Land - Military - Ry. Lands within Cantonment - dispute between Railway and military authorities - information regarding debit of cost.

Ref:- Board's Ref. C.4912/26 - 1 dated 13-7-26.

A thorough search was made among the old records of 1882 and 1883 for records showing the official transfer of 23 acres-2R-31P. of land in Bellary Cantonment to the Railway authorities and also for records showing debits still outstanding on account of the transfer of the land in question, but to no purpose.

2. The survey particulars of the land in question

are not known. The Tahsildar, Bellary has been directed to furnish this information with a clear sketch of the land prepared in consultation with the Railway and Military authorities. I have also asked the Agent, M & S.M. Railway to send the records traced by him to enable this office to make a further search and submit a clear report to the Board.

K.K.R.3-3-26. For Collector.

Land. Military. Ry. lands within Cantonment - Dispute bet: military & Ry. authorities - Debit of cost.

C5661/26. Q

Ref. C4912.26. 28/10.8.26

No further report promised by the Coll. is awaited.

9.8.26.

To the Coll. of Bellary

C.R. 32 (a)

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

Received BOARD OF REVENUE 10 SEP. 1926 LAND REVENUE & SETTLEMENT Registered 16851

From (Name) [illegible], Esq., I. C. S.,

(Designation) Ag. Collector,

Post Box ....., (Station) Bellary.

Telegraphic Address.....

To The Secretary to the Commissioner,

Land Revenue & Settlement,

Madras.

D.Dis. C. 3487/26 A-1
No....., *dated* 8th Sept: 1926.

Sir,

Land-Military-Railway lands within Cantonment-Dispute between Railway & Military Authorities.

Ref:- Board's Ref C. 4912/26-1 dated 15-7-26 & 10-8-26 and my letter No.C. 3487/26 A-1 dated 3-8-26. ------

Enclosures.....

.....

.....

Spare Copies.....

The Railway line passes through S.Nos. 640 A-B & 638 which are minor circuit fields registered in the village accounts as " Village site poramboke." As the Railway line has not been separately demarcated, the exact extent

/

exact extent occupied by the line cannot be known and the portion occupied may approximately be fixed as 23 acres.

Reply from the Agent, M. S. M. Railway has been received but throws no more light on the matter.

L.H. 9-9-26. For Collector.

Copy to the General Officer Commanding, Madras District.
Wellington.

Land - (Bellary) - Military -
Railway lands within cantonment
Dispute between Ry. & Military
authorities.

R 25-10-26
25.10.26

C 6851/26 - Q

Ref. C 4912-26-30/22 9/26

The Collector is requested to
report whether the extent of 23 acres & o
p. 1 if. g land referred to by the Gen
Off'cr Commanding the Madras
District is the same as that
occupied by the Railway line
whose approximate extent is
p. 7 if. fixed as 23 acres and whether
the fact was verified with
any plan available with the
Military authorities - If it was
not verified, the Collector is
requested to do so now.
/ The Collector ~~reports~~ states that
S. nos 640 A-3 & 638 through
which the Railway line passes
minor circuit fields
are registered as "Village Site
Poramboke". He is requested to
report how the military authorities
can claim the land as per

of the Cantonment

3/ The Collector is requested to submit a clear Sketch for the land in question

L
21-9-26.

Sd/
16/9/26

Remind the Coll[r].

L
25.10.

Sept
26
259

L 6

The Collector of Bellary

C.F. 32.

In reply, please quote number, date and short title.*

DEPARTMENT.

Received 2 - NOV. 1926 Registered C 6449

From (Name) C.G. Herbert Esquire I.C.S.,

(Designation) Collector of

Post Box ....., (Station) Bellary.

Telegraphic Address .....

To The Secretary to the Commissioners
Land Revenue & Sett.,
Madras.

Ref. C. No 4988/26-A1, dated 30th Oct. 1926.

Sir,

Enclosures ..... one Retch

Spare Copies .....

Land ¢ Bellary) - Military Railway lands with Cantonment - Dispute between Railway and Military authorities.

Ref:- Board's Ref. C. No.4912-26-3 dated 22-9-26

The extent of 23 acres of land to which the General Officer Commanding the Madras District refers is the same as that occupied by the railway line, its approximate extent being 23 acres. This fact could not be verified as the military authorities have not plan.

2. The Railway line passes through S.Nos.640 A.B, 638, 636 and 634 within Cantonment limits and all of them, though registered as village site, are under the control and management of the Cantonment authorities.

3. A sketch of the land is enclosed.

K.K.R. 1-11-26.

For Collector.

Ref 4988/26-A) 30-10

O.F. 98

BOARD OF REVENUE DEPARTMENT — B. & R. — NOV. 1926 — Branch. — LAND REVENUE & SETTLEMENT

REMINDER.

To The Collector of Bellary

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned ~~at once~~ as early as possible with information as to—

Bds' Ref No. G 49/2-26-3, dated 22.9.26

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

2. It is requested that the reply to this reminder may be sent not later than

Office Bd of Rev

Station Madras

Dated 10.26

N. Lakshmipathi 26.10.26.
Signature.

Designation.

SUBJECT.

Lands. (Bellary) - Military Railway Lands within cantonment limits. Dispute between Ry & Military authorities

REPLY.

To The Board of Rev, Land Rev Sett. Madras

The reply is submitted to-day.

C.G. Morton 27.10.26.
Collector

28/10.

12 Land (Bellary) - Military Railway lands within Cantonment Dispute between Railway and Military authorities - Information regarding debit & cost.

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p4 cf. C 5661/26
p6 cf. C 6851/26
p8 cf. Pol. Dept. No 2329/26
p10 cf. C 6443/26
} - Q

1-30 Noted 1-2-27

Ref. C 4912-26-4 & 23-12-26.

p1 cf. Ref. Govt. Endt. no 2329 A/26-1, dt 5. 7. 1926

The Coll. reports that no records are forthcoming & furnish the information required by the Agent.

2/ The land lies in S. nos. 640 A & B, 638, 636 & 634 - These fields are registered as village Sitaff and are within cantonment limits but are obviously not, except in a very vague sense, under the control and management of the Cantonment authorities.

The Cantonment authorities do not possess a plan of the land under their control. The Cantonment was established in 1801 and the Railway was constructed between 1882 and 1884. It may therefore be presumed that the land in question was included within the Cantonment limits when the Railway was constructed

3/ Appendix C to the Railway Board's Circular no 589-P-16, dated 30.8.1918 deals with the acquisition of State land in charge of Military authorities and Rules 31, 32 & 33 of the Rules in the Circular are relevant to the land which has been in the permanent occupation of the Railway, the original transfer must be deemed to have been outright. There is no provision for payment of rent to the Army Dept. in any of the rules and the Suggestion must be rejected.

4/. It appears is most improbable that the Army Dept ever paid anything for the land and there is therefore no reason to reopen, after 40 years or more, the question whether it ever received a credit for the land transferred to the Railway, which likely especially as there are no records to show that no credit was given.

5/ There can be no question of the land being required now for the effective discharge of the duties of

3

111

the Govt. of India and they
~~no operations~~ were not in effective occupation
as at 1st April 1921.

S.L. 21/12/26

22.12.26.

L 22.12.26.

23/12

No

The Secretary of State
with a sketch.

Desp
H/
24.12.

Scott. 11-15 (a)—36,000—[illegible]

15

C5449/26-2

Received 28 JAN 1927 192 . Registered 1958 192

Abstract.

Land Railway (Bellary) - Bellary - Dispute between the Madras and Southern Mahratta Railway and the Military authorities.

Revenue DEPARTMENT.

G.O. No. 145 Mis. , dated 27th January 192 7.

ENCLOSURES.

No.

READ the following papers: —

From the Government of India, Railway Board, No.2182-P, dated 11th June 1926.

From the Board of Revenue, Land Revenue and Settlement, C.4912-264, dated 23rd December 1926.

ORDER :-

The following letter will be sent to the Agent, Madras and Southern Mahratta Railway.

(By Order of the Governor in Council)

J. F. Hall

Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.

F o r w a r d e d.

(By Order)

Superintendent.

N.M.

P.T.O

Revenue Department.

No. 146.

From

J. F. Hall Esq., O.B.E., I.C.S.,

Secretary to the Government of Madras,

To

The Agent,

Madras and Southern Mahratta Railway,

M a d r a s.

Dated Fort St.George, the 27th January 1927.

Sir,

Land - Railway (Bellary) - Bellary Cantonment - Dispute between the Railway and the Military authorities - Your letter No.W/333, dated 20th May 1926 to the Railway Board.

I am directed to state that no records are forthcoming to enable this Government to furnish the information required by you.

I have the honour to be,

Sir,

Your most obedient servant,

Sd.J.F.Hall

Secretary to Government.

N.M.

M3
S
A

Land (Bellary)- Bellary taluk and town- Railway lands within cantonment- Dispute between Railway and Milita authorities.

C 8266/16. p 10 cf

To A.S.

For the point in dispute between the Ry. and military authorities please see the Agent's letter at pages 1 and 2 c.f. The Agent desires to be informed whether there are any debits still outstanding on account of the transfer of the land in question to the Railway.

p 4 cf 2. The Collr. reports that no records are forthcoming to furnish the information required by the Agent.

Sketch at (7) p 10 cf 3. The land lies in S.Nos. 640 A+B, 638, 636 and 634. They are registered as village sites and are within cantonment limits and under the control and management of the Cantonment authorities.

x St. 9 matters. Vol. not found up. p 2 cf The cantonment was established in 1801; the Railway was constructed between 1882 and 1884. The land must have been included in the cantonment when the Ry. was constructed. The cantonment authorities have no p 10 cf plan for the land under their control.

Rule 28, p 8 of (6) Under the Railway acquisition rules, the ownership of all State lands vests in the Secy. of State for India. The military authorities have not claimed any rent for well over 4 decades. Their present claim for rent at this distance of time does not seem to be sustainable. Moreover it is opposed to the Railway rules that all transfers must be out right. Rule 32, p 9 of (8) The dispute is also between one Deptt. of the Govt. of India and another and this is primarily a matter for settlement for the Govt. of India in the absence of any proof as to the original debit in the Ry. accounts. May the Local Govt. be informed on the above lines?

For orders

To Sec^{y}. The claim for rent is made by the p2 if.
Military authorities is presumably based
on ownership of the land. The ownership
has not however been proved by them. The
extent concerned is about 23 acres. This
extent is occupied by the railway line
Wh passes thro' S Nos 640 A + B, 638, 636 p10 if.
and 634 Wh are situated within Cantonment
limits, and Wh are registered as village site.
The mere fact that the said lands are situated
within Cantonment limits does not show
that they belong to the Military authorities.
The extent of 23 acres is occupied by the
railway line. It follows that the railway
authorities are in permt occupation of it-
ever since the railway was constructed betn - p2 if
the years 1882 and 1884. The Collr says as all land req^{d} for R^{y} line are req^{d} as for permanent occupation.
that the said two lands are under the
control and management of the Cantonment p10 if
authorities. It cannot be said that the land
occupied by the railway line is under their
control and management. ~~At any rate, the~~
~~railway authorities are in possession of the land since 1882~~
~~and the military authorities are not in possession of~~
~~the land. The Military authorities~~
~~have not dispossessed the railway authorities, they cannot~~
~~have any claim to it.~~

The land falls under class A. Such lands

No such thing as A land really for a Ry like W.S.M.

Note

were given free of charge to R.[y] Companies under the rules then in force. This presumably accounts for the fact that no debits are traceable in respect of the lands in question ~~and that no credit for them is obtainable from the military authorities~~.

8.12.26.

Rules at (M) in the B.S.O.'s (Chamberlain's edn) put up.

The M.S.H.Ry is not a Ry entitled to receive land free of cost so far as I can see. Vide p.3 Vol I of (O.I).

The question can surely be settled by reference to the recent discussions re military lands. He will have to co-[illegible] Brockman.

He should come up again in 3 or 4 days

[illegible] 8/12

B Secretary

Need not go Sir.

[illegible]

To A.S.

received

The recent discussions regarding military lands refer to the transfer of military lands to the local Govt. The military dept claim that all lands in cantts belong to them. The local Govts have accepted the claim of the military to those lands in the unquestionary possession of the cantt authorities including those which have been leased by them. The lands in question are ~~[illegible]~~

vide para 2 of his (G) p.3 m.2558/C. 6.11.26

para 2 of his (D) p.3 letter of 27.7.26. Received

p.2 (E) m.2712 23.11.26 received

used ~~exclusively~~ possibly belonged to them before transfer to the Ry; removed (Subject to inter-departmental transfers of the Govt of India are at (S) & as stated in para 4 of the Govt rules regarding the civil and Criminal jurisdiction (value for the land acquired) shall have been debited to the Ry at the time of the transfer about 1882.

in the area under question presumably vests in the Cantonment authorities, but as to the ownership of the land itself, it is believed it vests in the Secretary of State under rule 28 of the revised L.A rules

10.12.26 11.12.26

To See:

Appendix C at page 25 of (O1)

relates to acquisition of State land in charge of military authorities. Refce is invited to Rule IV at p 25 and Rules 31, ~~and~~ 32, & 33 at p 9. The land in question is occupied by the railway line and it is not likely that there was any retention of rights over it on behalf of the military Deptt. It is mentioned at p 2 of that it is believed the transfers of the land in question were made during mining work. In the absence of record it is not possible to say how far Rule 5 at p 16 of (O1) was observed in this case.

As the land is in the permt occupation of the railway, it may be reasonably inferred that it was transferred to the railway outright and that nothing by way of rent or otherwise is due from the railway so long as it is in permt occupation of the land.

...rh.

5/

It appears to be possible that credit was given for this land & it was taken up but it is impossible in the absence of records, to make any definite statement.

There is no provision for payment of rent to the Army Dept. in any of the rules & the suggestion must be rejected. The transfer must be deemed to have been outright. It is most improbable that the Army Dept. ever paid anything for the land & there is therefore no reason to reopen, after 4 years & more, the question whether it ever received a credit for the land transferred to the Railway.

There can be no question of the land being required now for the effective discharge of the duties of the G.O.C. & there is no question of effecting expenditure as at 1st April 1921.

I agree with A.S.'s note on the previous page.

20.12.26

W 18/12

W 21/12

5/

A.S.

Do A.S.

same urgently

Draft submitted

W 19/12

21.12.26

22.12.26